

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

J. PAUL CLINTON and
STOKES and CLINTON, P.C.

PLAINTIFFS

VS. CIVIL ACTION NO. 3:13-cv-871(DCB)(MTP)

W. RICHARD JOHNSON, SR.;
DAVID M. SESSUMS;
VARNER, PARKER & SESSUMS, P.A.;
and TAMRA WARNOCK

DEFENDANTS

ORDER

This cause is before the Court on the plaintiffs' Motion to Reconsider Order Granting Defendants' Motion for Summary Judgment (**docket entry 155**). Having carefully considered the motion and the defendants' response, the memoranda of the parties and the applicable law, and being fully advised in the premises, the Court finds as follows:

Because the plaintiffs' motion was filed within 28 days of entry of judgment, it is construed as a Rule 59(e) motion "to alter or amend judgment." See Lavespere v. Niaqara Mach. & Tool Works, 910 F.2d 167, 173 (5th Cir. 1990); Fed.R.Civ.P. 59. The major grounds justifying reconsideration are "an intervening change of controlling law, the availability of new evidence, or a need to correct a clear error or prevent manifest injustice." 18 C. Wright, A. Miller & E. Cooper, Federal Practice & Procedure § 4478 at 790.

The Court found that the evidence submitted by the plaintiffs

was insufficient, as a matter of law, to create a genuine issue of material fact. Plaintiffs neither cite to an intervening change of controlling law, nor produce any new evidence. They contend that the Court's grant of summary judgment constitutes clear error; however, they cite no authority to support their asserted grounds, but merely re-cycle their arguments against the original summary judgment motion. Because the plaintiffs' arguments were contained in their initial briefs and were fully considered by the Court, the Court finds that the plaintiffs cannot satisfy the requirements of Rule 59 and their motion must be denied. Accordingly,

IT IS HEREBY ORDERED that the plaintiffs' Motion to Reconsider Order Granting Defendants' Motion for Summary Judgment (**docket entry 155**) is DENIED.

SO ORDERED, this the 6th day of November, 2014.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE